

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

THOMAS BRANDT,

Plaintiff, : Case No. 3:10-cv-126

-vs- : District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

LINCARE, INC.,

Defendant.

DECISION AND ORDER

This case is before the Court on Plaintiff's Motion for a Protective Order and to Quash Subpoenas (Doc. No. 17) and Defendant's responsive Motion to Strike, Memorandum in Opposition, and Alternative Motion to Extend Discovery Deadline (Doc. No. 21).

Pursuant to telephone conference with counsel for both parties, the discovery cut-off is extended to and including February 9, 2011, for the purpose of completing the Thompson, Smallenbarger, and Owen depositions and for no other purposes. The dispositive motion deadline is extended to and including February 9, 2011. The Court understands that Plaintiff's counsel has obtained the consent of deponents Smallenbarger and Owen to attend their depositions on February 9th at convenient and agreeable locations. The subpoenas are modified to require their attendance at the time, date, and place agreed.

Except for the provisions made in the foregoing paragraph, the instant Motions are denied.

February 3, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge